

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

PLATYPUS WEAR, INC., <i>et al.</i> ,)	Civil No. 07CV-1064-L(RBB)
)	
Plaintiffs,)	ORDER GRANTING IN PART AND
)	DENYING IN PART DEFENDANTS'
v.)	EX PARTE APPLICATION FOR
)	ORDER CONTINUING HEARING
HORIZONTE LTDA, <i>et al.</i> ,)	DATE AND FOR LEAVE TO FILE A
)	15-PAGE REPLY BRIEF [doc. #28]
Defendants.)	
)	

Defendants request a continuance of the current September 24, 2007 hearing date for their motion to dismiss or in the alternative, to transfer venue [doc. #17] because they need additional time to properly prepare a reply to plaintiffs' opposition to their motion to dismiss or to transfer venue. Moreover, defendants seek to file their reply with an additional five pages so that their brief would contain 15 pages rather than the 10 pages set forth in Civil Local Rule 7.1(f).¹

Plaintiffs oppose the *ex parte* application contending that the joint motion the parties had previously filed permitted both plaintiffs and defendants to have an additional five pages for their opposition and reply memoranda. The joint motion to which plaintiffs refer was withdrawn but not until after plaintiffs submitted their opposition that was within the 25 page limit provided by the Civil Local Rules. Civ. L.R. 7.1(f)


¹ "No reply memorandum shall exceed ten (10) pages without leave of the judge." Civ. L.R. 7.1(f).

1 Because plaintiffs had already filed their opposition within the 25page limit, they no
2 longer needed the joint motion for an extension of page limitation and accordingly argue that
3 defendants should not be permitted to obtain five additional pages for their reply memorandum.
4 In the alternative, plaintiffs seek to file an amended opposition that would include five additional
5 pages.

6 Based on the parties' previously filed joint motion [doc. #25] and in the interest of justice,
7 **IT IS ORDERED** granting defendants' *ex parte* application for leave to file a 15-page reply
8 brief. **IT IS FURTHER ORDERED** that plaintiffs may file a superseding amended opposition
9 to defendants' motion to dismiss or in the alternative, to transfer venue that shall not exceed 30
10 pages and is due no later than October 1, 2007. **IT IS FURTHER ORDERED** defendants' 15-
11 page reply memorandum is due no later than October 10, 2007. **IT IS FURTHER ORDERED**
12 vacating the September 24, 2007 hearing date on defendants' motion and resetting the hearing
13 for October 22, 2007. **IT IS FURTHER ORDERED** that the Court finds this matter suitable
14 for determination on the papers submitted and without oral argument pursuant to Civil Local
15 Rule 7.1(d)(1). Accordingly, no appearances are required.

16 **IT IS SO ORDERED.**

17 DATED: September 24, 2007

18 
19 M. James Lorenz
United States District Court Judge

20 COPY TO:

21 HON. RUBEN B. BROOKS
22 UNITED STATES MAGISTRATE JUDGE

23 ALL PARTIES/COUNSEL
24
25
26
27
28